

# **DRAFT**

## **COMMONWEALTH OF MASSACHUSETTS**

.....,SS

**[[COURT]]**

**Docket No. ....**

**COMMONWEALTH**

**v.**

.....

### **AFFIDAVIT IN SUPPORT OF COMMONWEALTH'S MOTION TO ALLOW EXPERT TESTIMONY ON COCAINE**

---

#### **AFFIDAVIT OF DELLA C. SAUNDERS**

---

I, Della C. Saunders, do hereby depose and state the following:

1. I am employed as a chemist at the Massachusetts Department of Public Health, Boston Drug Analysis Laboratory located at 305 South Street Boston, Massachusetts.
2. My duties in the Drug Laboratory include testing evidence submitted by law enforcement agencies in Massachusetts to determine the presence or absence of controlled substances and supervising other Drug Lab analysts.
3. I have a degree in chemistry. See Exhibit A. Curriculum Vitae.
4. I have completed a documented training program. The training program included analysis of unknown materials and known standards; and verification testing of my competency. My training also included utilization and familiarization of all procedures used to examine drug cases submitted to the laboratory.
5. I am familiar with the Recommendations of the Scientific Working Group for the Analysis of Seized Drugs (SWGDRUG). SWGDRUG is comprised of a committee of prominent forensic scientists from around the world. SWGDRUG recommends the minimum standards to be met for the forensic identification of commonly seized drugs.

6. The analytical procedures in place at the Drug Lab meet or exceed all SWGDRUG recommendations. See Exhibit B- SWGDRUG Recommendations.
7. After individual cases involving substances that are believed to be cocaine are processed by the Evidence Control Office, the sample is then assigned to a Drug Lab analyst. When the analyst is ready to test the submission, the analyst checks the evidence to ensure that the evidence seal is intact and that the substance has not been tampered with. See Exhibit D. The analyst then unseals the bag(s) and begins testing the submitted substance.
8. The analyst conducts one or more of the following tests on the submitted evidence: mass spectrometry, infrared spectroscopy, gas chromatography, ultra violet spectroscopy and microcrystalline tests. Color tests may also be conducted. The analytical data generated by the tests is printed out and must be interpreted by the drug analyst.
9. After all the tests are concluded, the analyst who conducted the test(s) interprets the test results and reaches an opinion as to the composition of the substance. The opinion is included in a "report," which is then formally prepared in the form of a "certificate of analysis." At this point, the testing is complete. The file includes the drug receipts, the analyst's notes, all the underlying data printouts from the various tests.
10. I am a Senior Chemist, trained in Gas Chromatography/Mass Spectrometry (GC/MS) and qualified to perform technical reviews on completed case work files in the Drug Lab.
11. A Senior Chemist is required to have sufficient expertise gained through training and experiences in the discipline of drug analysis. Technical review requires the individual to review all items in the case work file including all data printouts generated by the testing completed in Category A, B and C of SWGSDRUG's recommendations. See Exhibits B and C.
12. As a Senior Chemist, I can review completed case work files from the Drug Lab and my training, knowledge and experience with drug testing will allow me to determine what methods were used, what tests were conducted and what type of substance(s) the testing identified. Thus, although I was not the analyst who performed the drug testing in the above referenced case, I can review the generated data printouts and determine what drug or drugs have been identified by each testing method. As a technical reviewer, I do not need to consult the original analyst's certificate of analysis to make this determination. Instead, I am able to form my own opinion as to the composition of the substance(s) by reviewing the generated data printouts.
13. [[The following information would be case specific.]] I have reviewed the **Mass spectrometry**, Exhibit E. The data printout indicates the presence of cocaine.
14. I have reviewed the **infrared spectrum**, Exhibit F. The data printout indicates the presence of cocaine.

15. I have reviewed the **gas chromatograph**, Exhibit G. The data printout indicates the presence of cocaine.

16. I have reviewed the **ultra violet spectrophotometry** data printout, Exhibit H. The data printout indicates the presence of cocaine.

Signed under the pains and penalties of perjury before me on this \_\_\_\_\_ day of  
[[MONTH]], 2009.

\_\_\_\_\_  
Della C. Saunders